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(Additional Counsel on Next Page)

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

SER LAO, as an individual and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

H & M HENNES & MAURITZ, L.P., a  
New York limited partnership; and DOES  
1 through 50, inclusive,

Defendants.

Case No. 5:16-cv-333 EJD

**DECLARATION OF KRISTEN M. AGNEW  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Date: April 30, 2020

Time: 9:00 a.m.

Courtroom: 4, 5th Floor

Judge: Hon. Edward J. Davila

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**DECLARATION OF KRISTEN M. AGNEW**

I, Kristen M. Agnew, declare as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff Ser Lao ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I am one of the primary attorneys on this matter. My qualifications are as follows: I was the 2003 recipient of the Spelman Presidential Scholarship to Emory University School of Law. During law school, I was a summer associate at the law firm of Sonnenschein, Nath and Rosenthal, and clerked with the Atlanta office of the Equal Employment Opportunity Commission. I received my J.D. from Emory University in 2006 and was admitted to the California Bar in December 2006. Following law school, I was an associate at Sonnenschein from September 2006 to May 2009.

3. Since 2009, my primary area of practice has been employment litigation. I have practiced law at two preeminent employment defense firms. From May 2009 to June 2011, I was an associate at Ogletree, Deakins, Nash, Smoak & Stewart, P.C. I was also an associate, and then senior associate, in the labor and employment practice group of Seyfarth Shaw, LLP from June 2011 to May 2016. At both Ogletree and Seyfarth, I represented a wide array of fortune 500 companies in employment litigation in both state and federal courts, as well as before government agencies, including the California Department of Labor. My practice included the defense of single plaintiff and multi-plaintiff lawsuits involving claims under the California Fair Employment and Housing Act, the California Labor Code and the Fair Labor Standards Act. I also handled a number of wage and hour class actions.

4. In June 2016, I joined Diversity Law Group, P.C. where I spend most of my time handling employment cases. I primarily represent employees.

5. I served as the lead associate on a number of wage and hour class actions, including *Martha Cardenas v. Gold's Gym*, Los Angeles County Superior Court Case No.

BC445112; *Nathaniel Werner v. Crown Equipment Corporation*, Los Angeles County Superior Court Case No. BC439428; *Christopher Williams v. Allstate Insurance Co.*, Los Angeles County Superior Court Case No. BC382577; *Hwang v. Caltech*, Los Angeles County Superior Court Case No. BC464894; *Melissa Roberts v. Zale Delaware, Inc.*, Los Angeles Superior Court Case No. BC523610; *Michael Oliver v. Konica Minolta Business Solutions U.S.A., Inc.*, Santa Clara County Superior Court Case No. 114-CV-263183; *Tessa Hodge v. Zale Delaware, Inc., d/b/a Piercing Pagoda*, San Bernardino Superior Court Case No CIVVS1301632; *Warren v. Paychex, Inc.*, N.D. Cal. Case No. 3:10-cv-02006; *Tapia v. Zale Delaware Inc. et al*, S.D. Cal. Case No. 3:13-cv-01565; and *Benjamin Burgess et al v. Tesoro Refining and Marketing Company et al*, C.D. Cal. Case No. 2:10-cv-05870.

6. I have been approved as class counsel in a number of class actions by the Superior Courts of California and United States District Courts, including: *Antonio Becerra-Mata v. PSC Industrial Outsourcing, LP*, San Benito County Superior Court Case No. CU-15-00030; *Andrew Vasquez v. Earthbound Farm, LLC*, San Benito County Superior Court Case No. CU-17-00171; *Fransisco Pulido v. Westrock Services, Inc.*, San Benito County Superior Court Case No. CU-18-00074; *Kosal So v. Owens-Brockway Glass Container, Inc.*, Los Angeles County Superior Court Case No. BC608609; *John Obiols v. Lockheed Martin Corporation*, Santa Clara County Superior Court Case No. 17CV314178; and *Eric Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC.

7. I also second chaired two jury trials where I represented the prevailing defendant. Both cases involved employees who brought claims against their former employers pursuant to the Fair Employment & Housing Act. The cases are: *Jeff Cowell v. Eaton Aerospace LLC et al*, Los Angeles County Superior Court Case No. BC401543; and *Richard Gulden v. Pratt & Whitney Rocketdyne Inc. et al.*, Los Angeles County Superior Court Case No. BC468909.

8. Each side has apprised the other of their respective factual contentions, legal theories and defenses, resulting in extensive arms' length negotiations taking place among the Parties, including one full day of mediation and a settlement conference before the Honorable

1 Nathanael M. Cousins. Based on their own independent investigation and evaluation, the Parties  
2 and their respective counsel are of the opinion that the Settlement for the consideration and on  
3 the terms set forth in the Class Action Settlement Agreement are fair, reasonable, and adequate  
4 and the settlement is in the best interests of the Settlement Class and Defendant in light of all  
5 known circumstances and the expenses and risks inherent in litigation.

6 9. Plaintiff's counsel conducted extensive investigation and discovery, including  
7 formal written discovery; contacting and interviewing then-putative class members; taking and  
8 defending numerous depositions, including that of Plaintiff, Defendant's FRCP 30(b)(6)  
9 Corporate Representatives, over 40 class members, and Plaintiff's expert; subpoenaing and  
10 reviewing relevant records from third parties; exchanging class time and payroll data and  
11 documents; and conducting expert discovery.

12 10. Plaintiff also believes in the fairness of the settlement that is based on factoring in  
13 the uncertainty and risks to Plaintiff involved in not prevailing on his certified class claims at  
14 trial and the possibility of appeals.

15 11. Plaintiff and Plaintiff's counsel are adequate representatives in that they have no  
16 conflicts with the class and will adequately represent the class.

17 12. Plaintiff's counsel does not have any relationship with Legal Aid at Work or with  
18 the Ali Forney Center.

19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct.

21 Executed on this 6<sup>th</sup> day of March, 2020, at Los Angeles, California.

22  
23 /s/ Kristen M. Agnew

24 Kristen M. Agnew  
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